part of the test data underlying the certified ratings that is required to be maintained under 10 CFR 429.71.

(f) *Manufacturer involvement in assessment or enforcement testing for variable refrigerant flow systems.* A manufacturer's representative will be allowed to witness assessment and/or enforcement testing for VRF systems. The manufacturer's representative will be allowed to inspect and discuss set-up only with a DOE representative and adjust only the modulating components during testing in the presence of a DOE representative that are necessary to achieve steady-state operation. Only previously documented specifications for set-up as specified under paragraphs (d) and (e) of this section will be used.

[77 FR 28989, May 16, 2012]

ENERGY EFFICIENCY STANDARDS

§ 431.97 Energy efficiency standards and their compliance dates.

(a) All basic models of commercial package air-conditioning and heating equipment must be tested for performance using the applicable DOE test procedure in § 431.96, be compliant with the applicable standards set forth in paragraphs (b) through (f) of this section, and be certified to the Department under 10 CFR part 429.

(b) Each commercial air conditioner or heat pump (not including single package vertical air conditioners and single package vertical heat pumps, packaged terminal air conditioners and packaged terminal heat pumps, computer room air conditioners, and variable refrigerant flow systems) manufactured on and after the compliance date listed in the corresponding table must meet the applicable minimum energy efficiency standard level(s) set forth in Tables 1, 2, and 3 of this section.

TABLE 1 TO § 431.97—MINIMUM COOLING EFFICIENCY STANDARDS FOR AIR-CONDITIONING AND HEATING EQUIPMENT

[Not including single package vertical air conditioners and single package vertical heat pumps, packaged terminal air conditioners and packaged terminal heat pumps, computer room air conditioners, and variable refrigerant flow multi-split air conditioners and heat pumps]

Equipment type	Cooling capacity	Sub-category	Heating type	Efficiency level	Compliance date: products manufactured on and after . . .
Small Commercial Packaged Air-Conditioning and Heating Equipment (Air-Cooled, 3 Phase)	<65,000 Btu/h	AC	All	SEER = 13	June 16, 2008.
		HP	All	SEER = 13	June 16, 2008.
Small Commercial Packaged Air-Conditioning and Heating Equipment (Air-Cooled)	≥65,000 Btu/h and <135,000 Btu/h.	AC	No Heating or Electric Resistance Heating.	EER = 11.2	January 1, 2010.
			All Other Types of Heating.	EER = 11.0	January 1, 2010.
		HP	No Heating or Electric Resistance Heating.	EER = 11.0	January 1, 2010.
			All Other Types of Heating.	EER = 10.8	January 1, 2010.
Large Commercial Packaged Air-Conditioning and Heating Equipment (Air-Cooled)	≥135,000 Btu/h and <240,000 Btu/h.	AC	No Heating or Electric Resistance Heating.	EER = 11.0	January 1, 2010.
			All Other Types of Heating.	EER = 10.8	January 1, 2010.
Heating Equipment (Air-Cooled).	>240,000 Btu/h	HP	No Heating or Electric Resistance heating.	EER = 10.6	January 1, 2010.
			All Other Types of Heating.	EER = 10.4	January 1, 2010.
Very Large Commercial Packaged Air-Conditioning and Heating Equipment (Air-Cooled)	≥240,000 Btu/h and <760,000 Btu/h.	AC	No Heating or Electric Resistance Heating.	EER = 10.0	January 1, 2010.
			All Other Types of Heating.	EER = 9.8 ...	January 1, 2010.
		HP	No Heating or Electric Resistance Heating.	EER = 9.5 ...	January 1, 2010.
			All Other Types of Heating.	EER = 9.3 ...	January 1, 2010.

TABLE 1 TO § 431.97—MINIMUM COOLING EFFICIENCY STANDARDS FOR AIR-CONDITIONING AND HEATING EQUIPMENT—Continued

[Not including single package vertical air conditioners and single package vertical heat pumps, packaged terminal air conditioners and packaged terminal heat pumps, computer room air conditioners, and variable refrigerant flow multi-split air conditioners and heat pumps]

Equipment type	Cooling capacity	Sub-category	Heating type	Efficiency level	Compliance date: products manufactured on and after . . .
Small Commercial Packaged Air-Conditioning and Heating Equipment (Water-Cooled, Evaporatively-Cooled, and Water-Source).	<17,000 Btu/h	AC	All	EER = 12.1	October 29, 2003.
	≥17,000 Btu/h and <65,000 Btu/h.	HP	All	EER = 11.2	October 29, 2003.
		AC	All	EER = 12.1	October 29, 2003.
		HP	All	EER = 12.0	October 29, 2003.
	≥65,000 Btu/h and <135,000 Btu/h.	AC	No Heating or Electric Resistance Heating.	EER = 11.5	October 29, 2003.[1]
			All Other Types of Heating.	EER = 11.3	October 29, 2003.[1]
		HP	All	EER = 12.0	October 29, 2003.[1]
Large Commercial Packaged Air-Conditioning and Heating Equipment (Water-Cooled, Evaporatively-Cooled, and Water-Source).	≥135,000 Btu/h and <240,000. Btu/h	AC	All	EER = 11.0	October 29, 2004.[2]
		HP	All	EER = 11.0	October 29, 2004.[2]
Very Large Commercial Packaged Air-Conditioning and Heating Equipment (Water-Cooled, Evaporatively-Cooled, and Water-Source).	≥240,000 Btu/h and <760,000 Btu/h.	AC	No Heating or Electric Resistance Heating.	EER = 11.0	January 10, 2011.[2]
			All Other Types of Heating.	EER = 10.8	January 10, 2011.[2]
		HP	No Heating or Electric Resistance Heating.	EER = 11.0	January 10, 2011.[2]
			All Other Types of Heating.	EER = 10.8	January 10, 2011.[2]

[1] And manufactured before June 1, 2013. See Table 3 of this section for updated efficiency standards.
[2] And manufactured before June 1, 2014. See Table 3 of this section for updated efficiency standards.

TABLE 2 TO § 431.97—MINIMUM HEATING EFFICIENCY STANDARDS FOR AIR-CONDITIONING AND HEATING EQUIPMENT

[Heat pumps]

Equipment type	Cooling capacity	Efficiency level	Compliance date: Products manufactured on and after . . .
Small Commercial Packaged Air-Conditioning and Heating Equipment (Air-Cooled, 3 Phase).	<65,000 Btu/h	HSPF = 7.7	June 16, 2008.
Small Commercial Packaged Air-Conditioning and Heating Equipment (Air-Cooled).	≥65,000 Btu/h and <135,000 Btu/h	COP = 3.3	January 1, 2010.
Large Commercial Packaged Air-Conditioning and Heating Equipment (Air-Cooled).	≥135,000 Btu/h and <240,000 Btu/h	COP = 3.2	January 1, 2010.
Very Large Commercial Packaged Air-Conditioning and Heating Equipment (Air-Cooled).	≥240,000 Btu/h and <760,000 Btu/h	COP = 3.2	January 1, 2010.
Small Commercial Packaged Air-Conditioning and Heating Equipment (Water-Source).	<135,000 Btu/h	COP = 4.2	October 29, 2003.

TABLE 3 TO § 431.97—UPDATES TO THE MINIMUM COOLING EFFICIENCY STANDARDS FOR WATER-COOLED AND EVAPORATIVELY-COOLED AIR-CONDITIONING AND HEATING EQUIPMENT

Equipment type	Cooling capacity	Heating type	Efficiency level	Compliance date: Products manufactured on and after . . .
Small Commercial Packaged Air-Conditioning and Heating Equipment (Water-Cooled).	≥65,000 Btu/h and <135,000 Btu/h.	No Heating or Electric Resistance Heating.	EER = 12.1	June 1, 2013.
		All Other Types of Heating	EER = 11.9	June 1, 2013.
Large Commercial Packaged Air-Conditioning and Heating Equipment (Water-Cooled).	≥135,000 Btu/h and <240,000 Btu/h.	No Heating or Electric Resistance Heating.	EER = 12.5	June 1, 2014.
		All Other Types of Heating	EER = 12.3	June 1, 2014.

TABLE 3 TO § 431.97—UPDATES TO THE MINIMUM COOLING EFFICIENCY STANDARDS FOR WATER-COOLED AND EVAPORATIVELY-COOLED AIR-CONDITIONING AND HEATING EQUIPMENT—Continued

Equipment type	Cooling capacity	Heating type	Efficiency level	Compliance date: Products manufactured on and after . . .
Very Large Commercial Packaged Air-Conditioning and Heating Equipment (Water-Cooled).	≥240,000 Btu/h and <760,000 Btu/h.	No Heating or Electric Resistance Heating.	EER = 12.4	June 1, 2014.
		All Other Types of Heating	EER = 12.2	June 1, 2014.
Small Commercial Packaged Air-Conditioning and Heating Equipment (Evaporatively-Cooled).	≥65,000 Btu/h and <135,000 Btu/h.	No Heating or Electric Resistance Heating.	EER = 12.1	June 1, 2013.
		All Other Types of Heating	EER = 11.9	June 1, 2013.
Large Commercial Packaged Air-Conditioning and Heating Equipment (Evaporatively-Cooled).	≥135,000 Btu/h and <240,000 Btu/h.	No Heating or Electric Resistance Heating.	EER = 12.0	June 1, 2014.
		All Other Types of Heating	EER = 11.8	June 1, 2014.
Very Large Commercial Packaged Air-Conditioning and Heating Equipment (Evaporatively-Cooled).	≥240,000 Btu/h and <760,000 Btu/h.	No Heating or Electric Resistance Heating.	EER = 11.9	June 1, 2014.
		All Other Types of Heating	EER = 11.7	June 1, 2014.

(c) Each packaged terminal air conditioner (PTAC) and packaged terminal heat pump (PTHP) manufactured on or after January 1, 1994, and before October 8, 2012 (for standard size PTACs and PTHPs) and before October 7, 2010 (for non-standard size PTACs and PTHPs) must meet the applicable minimum energy efficiency standard level(s) set forth in Table 4 of this section. Each PTAC and PTHP manufactured on or after October 8, 2012 (for standard size PTACs and PTHPs) and on or after October 7, 2010 (for non-standard size PTACs and PTHPs) must meet the applicable minimum energy efficiency standard level(s) set forth in Table 5 of this section.

TABLE 4 TO § 431.97—MINIMUM EFFICIENCY STANDARDS FOR PTAC AND PTHP

Equipment type	Cooling capacity	Efficiency level	Compliance date: products manufactured on and after . . .
PTAC	<7,000 Btu/h	EER = 8.88	January 1, 1994.
	≥7,000 Btu/h and <15,000 Btu/h.	EER = 10.0—(0.16 × Cap [1])	January 1, 1994.
	≥15,000 Btu/h	EER = 7.6	January 1, 1994.
PTHP	<7,000 Btu/h	EER = 8.88 COP = 2.72	January 1, 1994.
	≥7,000 Btu/h and <15,000 Btu/h.	EER = 10.0—(0.16 × Cap [1]) COP = 1.3 + (0.16 × EER [2])	January 1, 1994.
	≥15,000 Btu/h	EER = 7.6 COP = 2.52	January 1, 1994.

[1] "Cap" means cooling capacity in thousand Btu/h at 95 °F outdoor dry-bulb temperature.
[2] The applicable minimum cooling EER prescribed in this table.

TABLE 5 TO § 431.97—UPDATED MINIMUM EFFICIENCY STANDARDS FOR PTAC AND PTHP

Equipment type	Cooling capacity	Sub-category	Efficiency level	Compliance date: Products manufactured on and after . . .
PTAC	Standard Size	<7,000 Btu/h	EER = 11.7	October 8, 2012.
		≥7,000 Btu/h and ≤15,000 Btu/h.	EER = 13.8 − (0.3 × Cap[1])	October 8, 2012.
		>15,000 Btu/h	EER = 9.3	October 8, 2012.
	Non-Standard Size	<7,000 Btu/h	EER = 9.4	October 7, 2010.
		≥7,000 Btu/h and ≤15,000 Btu/h.	EER = 10.9 − (0.213 × Cap[1]).	October 7, 2010.
		>15,000 Btu/h	EER = 7.7	October 7, 2010.
PTHP	Standard Size	<7,000 Btu/h	EER = 11.9 COP = 3.3	October 8, 2012.
		≥7,000 Btu/h and ≤15,000 Btu/h.	EER = 14.0 − (0.3 × Cap[1]) COP = 3.7 − (0.052 × Cap[1]).	October 8, 2012.

TABLE 5 TO § 431.97—UPDATED MINIMUM EFFICIENCY STANDARDS FOR PTAC AND PTHP—Continued

Equipment type	Cooling capacity	Sub-category	Efficiency level	Compliance date: Products manufactured on and after . . .
	Non-Standard Size	>15,000 Btu/h	EER = 9.5 COP = 2.9	October 8, 2012.
		<7,000 Btu/h	EER = 9.3 COP = 2.7	October 7, 2010.
		≥7,000 Btu/h and ≤15,000 Btu/h.	EER = 10.8 − (0.213 × Cap[1]). COP = 2.9 − (0.026 × Cap[1]).	October 7, 2010.
		>15,000 Btu/h	EER = 7.6 COP = 2.5	October 7, 2010.

[1] "Cap" means cooling capacity in thousand Btu/h at 95 °F outdoor dry-bulb temperature.

(d) Each single package vertical air conditioner and heat pump manufactured on or after January 1, 2010, must meet the applicable minimum energy efficiency standard level(s) set forth in this section.

TABLE 6 TO § 431.97 MINIMUM EFFICIENCY STANDARDS FOR SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND SINGLE PACKAGE VERTICAL HEAT PUMPS

Equipment type	Cooling capacity	Sub-category	Efficiency level	Compliance date: Products manufactured on and after . . .
Single package vertical air conditioners and single package vertical heat pumps, single-phase and three-phase.	<65,000 Btu/h	AC	EER = 9.0	January 1, 2010.
		HP	EER = 9.0 COP = 3.0	January 1, 2010.
Single package vertical air conditioners and single package vertical heat pumps.	≥65,000 Btu/h and <135,000 Btu/h.	AC	EER = 8.9	January 1, 2010.
		HP	EER = 8.9 COP = 3.0	January 1, 2010.
Single package vertical air conditioners and single package vertical heat pumps.	≥135,000 Btu/h and <240,000 Btu/h.	AC	EER = 8.6	January 1, 2010.
		HP	EER = 8.6 COP = 2.9	January 1, 2010.

(e) Each computer room air conditioner with a net sensible cooling capacity less than 65,000 Btu/h manufactured on or after October 29, 2012, and each computer room air conditioner with a net sensible cooling capacity greater than or equal to 65,000 Btu/h manufactured on or after October 29, 2013, must meet the applicable minimum energy efficiency standard level(s) set forth in this section.

TABLE 7 TO § 431.97—MINIMUM EFFICIENCY STANDARDS FOR COMPUTER ROOM AIR CONDITIONERS

Equipment type	Net sensible cooling capacity	Minimum SCOP efficiency		Compliance date: Products manufactured on and after . . .
		Downflow unit	Upflow unit	
Computer Room Air Conditioners, Air-Cooled.	<65,000 Btu/h	2.20	2.09	October 29, 2012.
	≥65,000 Btu/h and <240,000 Btu/h.	2.10	1.99	October 29, 2013.
	≥240,000 Btu/h and <760,000 Btu/h.	1.90	1.79	October 29, 2013.
Computer Room Air Conditioners, Water-Cooled.	<65,000 Btu/h	2.60	2.49	October 29, 2012.
	≥65,000 Btu/h and <240,000 Btu/h.	2.50	2.39	October 29, 2013.
	≥240,000 Btu/h and <760,000 Btu/h.	2.40	2.29	October 29, 2013.

TABLE 7 TO § 431.97—MINIMUM EFFICIENCY STANDARDS FOR COMPUTER ROOM AIR CONDITIONERS—Continued

Equipment type	Net sensible cooling capacity	Minimum SCOP efficiency		Compliance date: Products manufactured on and after . . .
		Downflow unit	Upflow unit	
Computer Room Air Conditioners, Water-Cooled with a Fluid Economizer.	<65,000 Btu/h	2.55	2.44	October 29, 2012.
	≥65,000 Btu/h and <240,000 Btu/h.	2.45	2.34	October 29, 2013.
	≥240,000 Btu/h and <760,000 Btu/h.	2.35	2.24	October 29, 2013.
Computer Room Air Conditioners, Glycol-Cooled.	<65,000 Btu/h	2.50	2.39	October 29, 2012.
	≥65,000 Btu/h and <240,000 Btu/h.	2.15	2.04	October 29, 2013.
	≥240,000 Btu/h and <760,000 Btu/h.	2.10	1.99	October 29, 2013.
Computer Room Air Conditioner, Glycol-Cooled with a Fluid Economizer.	<65,000 Btu/h	2.45	2.34	October 29, 2012.
	≥65,000 Btu/h and <240,000 Btu/h.	2.10	1.99	October 29, 2013.
	≥240,000 Btu/h and <760,000 Btu/h.	2.05	1.94	October 29, 2013.

(f) Each variable refrigerant flow air conditioner or heat pump manufactured on or after the compliance date listed in this table must meet the applicable minimum energy efficiency standard level(s) set forth in this section.

TABLE 8 TO § 431.97—MINIMUM EFFICIENCY STANDARDS FOR VARIABLE REFRIGERANT FLOW MULTI-SPLIT AIR CONDITIONERS AND HEAT PUMPS

Equipment type	Cooling capacity	Heating type[1]	Efficiency level	Compliance date: Products manufactured on and after . . .
VRF Multi-Split Air Conditioners (Air-Cooled).	<65,000 Btu/h	All	13.0 SEER	June 16, 2008.
	≥65,000 Btu/h and <135,000 Btu/h.	No Heating or Electric Resistance Heating.	11.2 EER	January 1, 2010.
		All Other Types of Heating.	11.0 EER	January 1, 2010.
	≥135,000 Btu/h and <240,000 Btu/h.	No Heating or Electric Resistance Heating.	11.0 EER	January 1, 2010.
		All Other Types of Heating.	10.8 EER	January 1, 2010.
	≥240,000 Btu/h and <760,000 Btu/h.	No Heating or Electric Resistance Heating.	10.0 EER	January 1, 2010.
		All Other Types of Heating.	9.8 EER	January 1, 2010.
VRF Multi-Split Heat Pumps (Air-Cooled)	<65,000 Btu/h	All	13.0 SEER 7.7 HSPF	June 16, 2008.
	≥65,000 Btu/h and <135,000 Btu/h.	No Heating or Electric Resistance Heating.	11.0 EER 3.3 COP	January 1, 2010.
		All Other Types of Heating.	10.8 EER 3.3 COP	January 1, 2010.
	≥135,000 Btu/h and <240,000 Btu/h.	No Heating or Electric Resistance Heating.	10.6 EER 3.2 COP	January 1, 2010.
		All Other Types of Heating.	10.4 EER 3.2 COP	January 1, 2010.
	≥240,000 Btu/h and <760,000 Btu/h.	No Heating or Electric Resistance Heating.	9.5 EER 3.2 COP	January 1, 2010.
		All Other Types of Heating.	9.3 EER 3.2 COP	January 1, 2010.
VRF Multi-Split Heat Pumps (Water-Source)* * *	<17,000 Btu/h	Without heat recovery.	12.0 EER 4.2 COP	October 29, 2012. October 29, 2003.

TABLE 8 TO § 431.97—MINIMUM EFFICIENCY STANDARDS FOR VARIABLE REFRIGERANT FLOW MULTI-SPLIT AIR CONDITIONERS AND HEAT PUMPS—Continued

Equipment type	Cooling capacity	Heating type[1]	Efficiency level	Compliance date: Products manufactured on and after . . .
		With heat recovery ..	11.8 EER	October 29, 2012.
			4.2 COP	October 29, 2003.
	≥17,000 Btu/h and <65,000 Btu/h.	All	12.0 EER	October 29, 2003.
			4.2 COP	
	≥65,000 Btu/h and <135,000 Btu/h.	All	12.0 EER	October 29, 2003.
			4.2 COP	
	≥135,000 Btu/h and <760,000 Btu/h.	Without heat recovery.	10.0 EER	October 29, 2013.
			3.9 COP	
		With heat recovery ..	9.8 EER	October 29, 2013
			3.9 COP	

[1] VRF Multi-Split Heat Pumps (Air-Cooled) with heat recovery fall under the category of "All Other Types of Heating" unless they also have electric resistance heating, in which case it falls under the category for "No Heating or Electric Resistance Heating."

[77 FR 28991, May 16, 2012, as amended at 77 FR 76830, Dec. 31, 2012]

Subpart G—Commercial Water Heaters, Hot Water Supply Boilers and Unfired Hot Water Storage Tanks

SOURCE: 69 FR 61983, Oct. 21, 2004, unless otherwise noted.

§ 431.101 Purpose and scope.

This subpart contains energy conservation requirements for certain commercial water heaters, hot water supply boilers and unfired hot water storage tanks, pursuant to Part C of Title III of the Energy Policy and Conservation Act, as amended, 42 U.S.C. 6311–6317.

[69 FR 61983, Oct. 21, 2004, as amended at 70 FR 60415, Oct. 18, 2005]

§ 431.102 Definitions concerning commercial water heaters, hot water supply boilers, and unfired hot water storage tanks.

The following definitions apply for purposes of this subpart G, and of subparts J through M of this part. Any words or terms not defined in this section or elsewhere in this part shall be defined as provided in section 340 of the Act, 42 U.S.C. 6311.

ASTM–D–2156–80 means the test standard published in 1980 by the American Society of Testing and Measurements and titled Method for Smoke Density in Flue Gases from Burning Distillate Fuels.

Basic model means all units of a given type of covered product (or class thereof) manufactured by one manufacturer, having the same primary energy source, and which have essentially identical electrical, physical, and functional (or hydraulic) characteristics that affect energy consumption, energy efficiency, water consumption, or water efficiency.

Hot water supply boiler means a packaged boiler that is industrial equipment and that,

(1) Has an input rating from 300,000 Btu/hr to 12,500,000 Btu/hr and of at least 4,000 Btu/hr per gallon of stored water,

(2) Is suitable for heating potable water, and

(3) Meets either or both of the following conditions:

(i) It has the temperature and pressure controls necessary for heating potable water for purposes other than space heating, or

(ii) The manufacturer's product literature, product markings, product marketing, or product installation and operation instructions indicate that the boiler's intended uses include heating potable water for purposes other than space heating.

Instantaneous water heater means a water heater that has an input rating not less than 4,000 Btu/hr per gallon of stored water, and that is industrial equipment, including products meeting this description that are designed to